



12-18-01

A

Patent  
Attorney Docket: 270/138



To: Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

**NEW APPLICATION TRANSMITTAL - UTILITY**

Sir:

Transmitted herewith for filing is a **utility** patent application:

**Inventor(s):** Nicholas Donato, Sr., Nicholas Donato, Jr., David Sample, Margot Perez,  
John McMurray and Robert Newman

**Title:** METHOD OF ISOLATING EXTRACT FROM THE EUPHORBACIAE  
OBESA PLANT AND METHODS FOR USING THE SAME

**I. PAPERS ENCLOSED HEREWITH FOR FILING UNDER 37 CFR § 1.53(b):**

20 Page(s) of Written Description  
6 Page(s) Claims  
1 Page(s) Abstract  
10 Sheets of Drawings ☒ Informal ☐ Formal

**II. ADDITIONAL PAPERS ENCLOSED IN CONNECTION WITH THIS FILING:**

☐ Declaration  
☐ Power of Attorney ☐ Separate ☐ Combined with Declaration  
☐ Assignment to \_\_\_\_\_ and assignment cover sheet  
☐ Certified Copy of Priority Document No(s): \_\_\_\_\_  
☐ Information Disclosure Statement w/PTO 1449 ☐ Copy of Citations  
☐ Preliminary Amendment  
☒ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach  
form PTO/SB/35  
☒ Return Postcard  
☐ Other: \_\_\_\_\_

**CERTIFICATE OF MAILING**  
(37 C.F.R. § 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

EL356083619US  
Express Mail Label No.

December 12, 2001  
Date of Deposit

Linda Johnson

Name of Person Mailing Paper

Linda Johnson  
Signature of Person Mailing Paper

III. PRIORITY

- ☐ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. § 119.

IV. THE FILING FEE HAS BEEN CALCULATED AS SHOWN BELOW:

- ☒ Applicant claims small entity status pursuant to 37 CFR § 1.27

BASIC FILING FEE:							\$740.00
Total Claims	58	-	20	=	38	x \$18.00	\$684.00
Independent Claims	2	-	3	=	0	x \$84.00	\$0.00
Multiple Dependent Claims	\$280	(if applicable)				<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS							\$1,424.00
Reduction by ½ for Filing by Small Entity, if applicable, as asserted above. Note 37 CFR §§ 1.9, 1.27, 1.28.							<input checked="" type="checkbox"/> \$712.00
Misc. Filing Fees (Recordation of Assignment -- \$40)							\$0.00
TOTAL FEES DUE HEREWITH							\$712.00

V. METHOD OF PAYMENT OF FEES

- ☐ A check in the amount of \_\_\_\_\_.
- ☒ Charge Lyon & Lyon's Deposit Account No. 12-2475 in the amount of \$712.00.
- ☐ This application is being filed without fee or Declaration under 37 CFR § 1.53.

VI. AUTHORIZATION TO CHARGE FEES

The Commissioner is authorized to credit any overpayment and to charge any underpayment to Lyon & Lyon's Deposit Account No. 12-2475 for the following:

- ☒ 37 CFR § 1.16 – (Filing fees and excess claims fees)
- ☒ 37 CFR § 1.17 – (Any application processing fees)
- ☒ 37 CFR § 1.21 – (Assignment recording fees)

**VII. CORRESPONDENCE ADDRESS**

Please send all correspondence to Customer Number 22249:



**22249**

PATENT TRADEMARK OFFICE

LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071  
(213) 489-1600

Please direct all inquiries to Rita A. Abbati, at the above customer number, and direct all telephone calls to Rita A. Abbati at (858) 552-8400.

Respectfully submitted,

LYON & LYON LLP

Dated: December 12, 2001

By: 

Rita A. Abbati  
Reg. No. P-50,715

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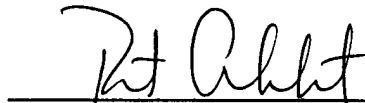
**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Nicholas Donato, Sr. et al.
Title	Method of Isolating Extract From the Euphorbiae Obesa Plant and Methods For Using the Same
Atty Docket Number	270/138

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

December 12, 2001

Date



Signature

Rita A. Abbati, Reg. No. P-50,715

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**